

Serial No. 10/678,105
Docket No. 02-293137 (YAN.038)

REMARKS

Claims 1-47, 49, 51-55, 57, and 58-64 are all of the claims pending. Claims 48, 50, 56, and 58 are canceled.

It is noted that the claim amendments herein, if any, are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability.

Further, it is noted that, notwithstanding any claim amendments made herein, Applicants' intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

The Examiner objects to claim 45. Applicant believes the above claim amendments appropriately address the Examiner's concern and respectfully requests that this objection be withdrawn.

Claims 45-47, 49, and 51 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. Applicants believe the above claim amendments appropriately address the Examiner's concern and respectfully requests that this rejection be withdrawn.

Claims 21-26 stand rejected under 35 USC § 101 as allegedly directed to non-statutory subject matter. Although Applicants again respectfully point out that a "computer-readable program" defines a "process" and would, therefore, be statutory subject matter by reason of being one of the four categories specifically itemized in 35 USC § 101, Applicants have amended these claims according to this Examiner's personal preference and respectfully requests that this rejection be withdrawn. It is noted, however, that neither Congress nor the Courts have singled out computerized processes as exempt from the "process" category of 35 USC § 101.

Claims 1-47, 49, 51-55, 57, and 59-64 stand rejected under 35 USC § 102(e) as anticipated by US Patent Publication US 2006/0166653A1 to Xu et al.

This rejection is respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

As described and claimed in, for example, independent claim 1, the present invention is directed to a mobile communication system including a core network having a node with a packet switching function for packet data communication, a radio network controller, and a

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mobile terminal. A Signaling Connection Control Part (SCCP) signaling connection for the packet data communication and a broadcast or multicast service is set on an interface between the radio network controller and the core network. The mobile communication system further includes a connection setting means for setting the SCCP signaling connection for multicast data communication separately from the SCCP signaling connection for the packet data communication.

The radio network controller initiates the SCCP signaling connection for the packet data communication, and the core network initiates the SCCP signaling connection for the broadcast or multicast service.

In the conventional method described beginning at line 15 on page 1 of the disclosure and more particularly at line 5-18 of page 5, the sharing of the PS service and the new, high-speed MBMS service causes processing contention as well as complexity in processing in the SGSN of the core network, as described beginning at line 19 of page 5.

In contrast, the present invention sets the connection for PS and MBMS separately, thereby eliminating the contention and reducing complexity.

II. THE PRIOR ART REJECTION

The Examiner alleges that Xu anticipates the present invention described by claims 1-47, 49, 51-55, 57, and 58-64. Applicants respectfully disagree, as follows.

In order to clearly distinguish the present invention from Xu, Applicants have amended "connection" and "signaling connection" in all independent claims to "SCCP signaling connection", where SCCP means "Signaling Connection Control Part", as described at page 13 of the original specification and is established between an RNC and an SGSN as shown in Figures 2-4.

In contrast, Xu does not teach or suggest the establishment of the SCCP signaling connection. Furthermore, Xu does not teach or suggest that the SCCP signaling connection for multicast data communication is established separately from the SCCP signaling connection for a packet data communication.

Rather, Xu (paragraph 0046) indicates that an RNC initiates to set up a radio resource between an RNC and an UE in response to a message from the UE, but does not teach or suggest setting up the SCCP signaling connection between the RNC and the CN (including the SGSN).

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Xu (paragraph 0042) indicates that the CN initiates an RAB assignment but does not teach or suggest that the CN initiates to set up the SCCP signaling connection. Therefore, the above claim amendments clearly distinguish between the RAB assignment in Xu from the SCCP signaling connection of the present invention.

In the present invention, the CN initiates to set up the SCCP signaling connection between the RNC and the CN. It is noted that Xu relates to establishing an RAB (Radio Access Bearer), whereas the present invention relates to establishing the connection for signaling between the RNC and the CN.

Moreover, establishing the RAB is performed on the assumption that a signaling connection has been set up between the RNC and the CN. Therefore, establishing the RAB is quite different from establishing the signaling connection. The RAB is established according to an RANAP (Radio Access Network Application Part) protocol and the signaling connection is established according to a SCCP protocol. The RANAP protocol is a protocol located at a higher level than the SCCP protocol in a protocol hierarchy. Therefore, as described above, establishing the RAB according to the RANAP protocol is on the assumption of establishing the signaling connection according to the SCCP protocol.

According to the present invention, the SCCP signaling connection for the MBMS service is provided separately from the SCCP signaling connection for the packet data communication, so that occurrence of contention between the MBMS service and the packet data service is eliminated, and particularly providing an effect that it is no longer necessary to check into establishment statuses of signaling connections of other services.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of " ... wherein a Signaling Connection Control Part (SCCP) signaling connection for the packet data communication and a broadcast or multicast service is set on an interface between the radio network controller and the core network, the mobile communication system further comprising: connection setting means for setting the SCCP signaling connection for multicast data communication separately from the SCCP signaling connection for the packet data communication, wherein, said radio network controller initiates the SCCP signaling connection for the packet data communication, and said core network initiates the SCCP signaling connection for the broadcast or multicast service", as required by independent claim 1. The remaining independent claims have similar language.

Therefore, for the reasons stated above, the claimed invention is fully patentable over the cited references, and the Examiner is respectfully requested to reconsider and withdraw

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this rejection based on Xu.

III. FORMAL MATTERS AND CONCLUSION

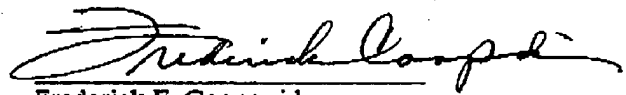
In view of the foregoing, Applicant submits that claims 1-47, 49, 51-55, 57, and 58-64, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

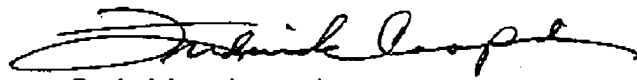
Date: 02/05/08


Frederick E. Cooperrider
Registration No. 36,769

McGinn Intellectual Property Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner F. Faroul on February 5, 2008.


Frederick E. Cooperrider
Reg. No. 36,769